



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1111

H.P. 823

House of Representatives, March 15, 2011

### An Act To Ensure Timely Resolution of Professional Negligence Claims

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative TREAT of Hallowell.  
Cosponsored by Senator ALFOND of Cumberland and  
Representatives: BECK of Waterville, CAREY of Lewiston, HINCK of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24 MRSA §2853, sub-§7**, as amended by PL 1991, c. 505, §4, is further  
3 amended to read:

4 **7. Extensions of time.** All requests for extension of time under this subchapter must  
5 be made to the panel chair. The chair may extend any time period under this subchapter  
6 for good cause, except that the chair may not extend any time period that would result in  
7 the hearing being held more than one year from the filing of notice of claim upon the  
8 clerk unless good cause is shown. If the hearing is not held within 18 months following  
9 the filing of the notice of claim upon the clerk, the claimant may bypass the panel process  
10 under this subchapter by filing a notice of withdrawal with the clerk and may then file an  
11 action in Superior Court.

12 **Sec. 2. 24 MRSA §2859**, as amended by PL 1989, c. 827, §4, is further amended  
13 to read:

14 **§2859. Statute of limitations**

15 The applicable statute of limitations concerning actions for professional negligence is  
16 tolled from the date upon which notice of claim is served or filed in Superior Court until  
17 30 days following the day upon which the claimant receives notice of the findings of the  
18 panel or until 30 days following the filing of a notice of withdrawal pursuant to section  
19 2853, subsection 7, whichever is later.

20 **SUMMARY**

21 Under the Maine Health Security Act, a person is allowed to commence an action for  
22 professional negligence only by first submitting the claim to a mandatory prelitigation  
23 screening and mediation panel.

24 This bill allows a claimant whose hearing has not been held within 18 months of the  
25 submission of the claim to the panel to bypass the panel and have the case heard in  
26 Superior Court.